

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANDREW JACKSON,

Plaintiff,

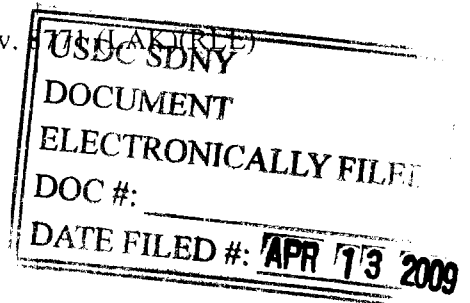
-against-

THE CITY OF NEW YORK, DET. JOSEPH  
TOWNSEND, U.C. 4043 and P.O.s "JOHN DOE" #1-5  
(said names being fictitious, as the true names are presently  
unknown), Individually and in their Official Capacities.

Defendants.  
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**STIPULATION OF  
SETTLEMENT AND ORDER  
OF DISMISSAL**

08 Civ. 8771-LAK (RLE)



**WHEREAS**, plaintiff commenced this action by filing a complaint on or about October 14, 2008, alleging that the defendants violated plaintiff's federal civil rights; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. Defendant City of New York hereby agrees to pay plaintiff Andrew Jackson Twenty-Two Thousand, Five Hundred (\$22,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against defendants and to release the defendants and any present or former employees and agents of the City of New York, or any agency thereof, from any and all

liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendant City of New York's attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York, or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to

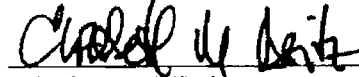
the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
January 30, 2009


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Attorney for Plaintiff  
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(212) 986-5900

By:   
Christopher D. Galiardo, Esq.  
Attorney for Plaintiff

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Attorney for Defendants City of New York,  
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New York, NY 10007  
(212) 788-0775

By:   
Elizabeth M. Daitz  
Assistant Corporation Counsel

SO ORDERED:

  
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U.S.D.J.  
4/13/09